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09/575,104	05/19/2000	Takanori Nishimura	SONY-T0571	9384

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EXAMINER

BASEHOAR, ADAM L

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 06/22/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/575,104

Applicant(s)

NISHIMURA ET AL.

Examiner

Adam L Basehoar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) 35-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 35-53 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08/28/00 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to communications: The Election of Species filed 04/05/04 to the Application filed on 05/19/00 which claims Foreign Priority back to 05/21/99.
2. Elected claims 1-34 are pending in this application. Claims 1, 8, and 15 are independent claims.
3. Non-Elected claims 35-53 have been withdrawn from consideration.

### ***Election/Restrictions***

4. Applicant's election with traverse of species Group I, claims 1-34, in the reply filed on 04/05/04 is acknowledged. The applicant argues that the claims of the present invention do not comprise a serious burden of search to the examiner. The examiner disagrees and notes that the burden is defined by what would be the necessary additional searches outside the art for the separately defined species of claims.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 1-2, 4, 8, 11, and 15, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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7. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Examples of said errors are: Claim 2 sasid and stroage.

8. Claims 4 and 11 recites the limitation "acquiring the hysteresis of the operation" in the 2<sup>nd</sup> line of each claim. There is insufficient antecedent basis for this limitation in the claim as it is unclear to what operation in the independent claims "the operation" refers to.

9. Regarding claims 1, 8, and 15 the phrase "can be pasted" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-19, 21-28, and 30-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Bhukhanawala (US: 5,831,617 11/02/98).

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-In regard to independent claims 1, 8, and 15, Bhukhanawala teaches an apparatus, method, and medium comprising:

a storage means for storing a pre-set processing unit (column 1, lines 9-13) on which can be pasted the object information (Fig. 1B: 10, 20, 22, 24) of different attributes (text, audio, video, etc) (column 10, lines 26-28) and the time information in association with each other (column 10, lines 10-15)(Fig. 2A: 50, 77, 73, 53, etc); and

regenerating means for regenerating the state (Fig. 1B: 30 & 32) of said pre-set processing unit associated with a desired date and time based on said time information (Fig. 3B-F).

-In regard to dependent claims 2 and 9, Bhukhanawala teaches wherein said storage means stores the entire information (files) relevant (Fig. 3B-F: 60 & 80) to said pre-set processing unit at a time point (Fig. 3B-F: Today, Yesterday, 2 Days old, 3 Days old, etc).

-In regard to dependent claims 3 and 10, Bhukhanawala teaches computing a difference (subtracting/adding) between the information concerning said pre-set processing unit at a first time point and said information at a second time point (column 8, lines 11-16);

storing the difference information (equivalent to computing the difference value); and

regenerating the state of the of said pre-set processing unit based on said time information and difference information (column 8, lines 17-23).

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-In regard to dependent claims 4 and 11, Bhukhanawala teaches acquiring the hysteresis of the operation on said pre-set processing unit by selecting to go forward or rewind from an initial state (column 8, lines 1-16);

storing the operation hysteresis information (equivalent to determining/receiving the hysteresis information); and

regenerating the state of said processing unit (Fig. 3B-F) based on the time information (Today, Yesterday, 2 Days old, etc) and said operation hysteresis information (browsing direction)(column 8, 6-10).

-In regard to dependent claims 5 and 12, Bhukhanawala teaches wherein said storage means effects storage at regular (time) intervals (Fig. 2A: Today, Yesterday, 2 Days old, 3 Days old, etc.)

-In regard to dependent claims 6 and 13, Bhukhanawala teaches wherein said storage means effects storage at a time point (Fig. 2A: Today, Yesterday, 2 Days old, 3 Days old, etc.) when the state (user selected saved time point)(Fig. 1B: 32) of said pre-set processing unit was changed (i.e. storage retrieves and displays current state objects)(Fig. 3B-F).

-In regard to dependent claims 7 and 14, Bhukhanawala teaches wherein said object information of different attributes was the text information (column 2, lines 59-60), speech information, and the picture information inclusive of moving pictures (column 10, lines 16-29); and

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displaying said tag sheet on a display picture of said display device (Fig. 1: 10 & 26).

-In regard to dependent claims 16 and 25, Bhukhanawala teaches wherein said regenerating means include;

time display means for displaying times (Fig. 1B: 32);

time interval displaying means for displaying a plurality of time intervals (Fig. 1B: 32);

selection means for selecting a desired time interval from said time intervals displayed on said time interval displaying means (columns 2 & 6, lines 46-56 & 28-46)(Fig. 1B: 30); and

control means for controlling the display state of said pre-set processing unit and time display on said time display (Fig. 1B) means responsive to the time interval selecting by said selection means (Fig. 4).

-In regard to dependent claims 17 and 26, Bhukhanawala teaches displaying a plurality of pre-set constant time intervals (Fig. 1B: 32) as said plural time intervals (columns 7 & 8, lines 32-67 & 1-16).

-In regard to dependent claims 18 and 27, Bhukhanawala teaches displaying variable time intervals (i.e. variable user configuration)(Fig. 1B: 32) with a pre-set changing point as a unit (columns 7 & 8, lines 32-67 & 1-16).

-In regard to dependent claims 19 and 28, Bhukhanawala teaches controlling the amount of change of the time display on said time displaying means with a variable speed (equivalent to

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the user changing the time ratio (Fig. 4: 92) or selecting the play, rewind, or forward of Fig. 1B: 30) based on a command from outside (keyboard or pointing action from a user)(column 6, lines 28-46)(Fig. 1B: 30).

-In regard to dependent claims 21 and 30, Bhukhanawala teaches controlling the time display color responsive (i.e. equivalent to changing the frames of the movie Fig. 3B-F) to the time interval selected by said selection means (Fig. 3B-F: Today, Yesterday, 3 Days Old, etc).

-In regard to dependent claims 22 and 31, Bhukhanawala teaches retrieving the information (files)(column 6, lines 28-46) of a pre-set processing unit associated with the time information from said storage means based on the time displayed on said display means (Fig. 3B-F).

-In regard to dependent claims 23 and 32, Bhukhanawala teaches retrieving the regenerated state (file states at different time intervals)(Fig. 3B-F) of said pre-set processing unit based on said information of said pre-set unit retrieved from said storage (memory) means by said retrieving means.

-In regard to dependent claims 24 and 33, Bhukhanawala teaches wherein said object information of different attributes can be text information (column 2, lines 59-60), speech information, and the picture information including moving pictures (column 10, lines 16-29);

displaying said tag sheet on a display picture of a display device (Fig. 1: 10 & 26).



***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 20 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhukhanawala (US: 5,831,617 11/02/98) in view of Gupta et al (US: 6,546,405 04/08/03).

-In regard to dependent claims 20 and 29, Bhukhanawala do teach controlling the amount of change of the time display (column 2, lines 24-55) based on an outside user selection of the time ratio (Abstract). Bhukhanawala do not teach controlling the amount of change of the time display with acceleration based on an acceleration command from outside. Gupta et al teach wherein control buttons were well known in the art for graphical user interfaces (column 5 & 6, lines 64-67 & 1-2). Gupta et al teaches wherein common control buttons include play, stop, pause, fast forward, and reverse playback (column 6, lines 2-8). It would have been obvious to one of ordinary skill in the art at the time of the invention for Bhukhanawala to have had additional control buttons such as fast forward or fast rewind as taught in Gupta et al, in addition to the play, forward, and rewind buttons shown in Fig. 1B: 30 for user keystroke or pointing activation to vary the acceleration of the frame rate, because it would have been obvious to one of ordinary skill in the art at the time that the combination of the two would have aided a user in quickly advancing to the beginning or ending of the movie/frame which would save users valuable time without the need to go frame by frame rendering all the objects.

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***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US: 6,529,215	03/04/03	Golovchinsky et al.
US: 6,549,922	04/15/03	Srivastava et al.
US: 6,332,147	12/18/01	Moran et al.
US: 5,524,193	06/04/96	Covington et al.
US: 6,278,448	08/21/01	Brown et al.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L Basehoar whose telephone number is (703) 305-7212. The examiner can normally be reached on M-F: 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

  
**STEPHEN S. HONG**  
**PRIMARY EXAMINER**